

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re:**

**BAYOU STEEL BD HOLDINGS, L.L.C.,  
*et al.*,<sup>1</sup>**

**Debtors.**

**Chapter 7**

**Case No. 19-12153 (KBO)  
(Jointly Administered)**

**GEORGE L. MILLER, in his capacity as  
Chapter 7 Trustee for the jointly  
administered bankruptcy estates of Bayou  
Steel BD Holdings, L.L.C., *et al.*,**

**Plaintiff,**

**v.**

**BLACK DIAMOND CAPITAL  
MANAGEMENT, L.L.C.; BDCM  
OPPORTUNITY FUND IV, L.P.; BLACK  
DIAMOND COMMERCIAL FINANCE,  
L.L.C.; SAM FARAHNAK; PHIL  
RAYGORODETSKY; ROB  
ARCHAMBAULT; TERRY TAFT; and  
BOB UNFRIED,**

**Defendants.**

**Adv. No. 21- 51013 (KBO)**

**Related to Docket No. 58**

**NOTICE DECLARING SETTLEMENT DISCUSSIONS UNSUCCESSFUL**

Plaintiff George L. Miller, Chapter 7 Trustee (“Plaintiff” or the “Trustee”) for the jointly

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<sup>1</sup> The Debtors in these chapter 7 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Bayou Steel BD Holdings, L.L.C. (1984), BD Bayou Steel Investment, LLC (1222), and BD LaPlace, LLC (5783).

administered Chapter 7 bankruptcy estates of Bayou Steel BD Holdings, L.L.C., BD Bayou Steel Investment, LLC, and BD LaPlace, LLC (collectively, “Debtors”), through his counsel, respectfully submits this Notice pursuant to the Stipulation Concerning Scheduling filed on August 17, 2022, at [Doc 58] (the “Stipulation”).

WHEREAS, on August 11, 2021, the Trustee filed his Complaint. [Adv. D.I. 1];

WHEREAS, on November 22, 2021, Defendants filed Motions to Dismiss the claims set forth in the Complaint [Adv. D.I. 25, 27];

WHEREAS, on August 3, 2022, the Court issued the Memorandum Opinion and Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss the Complaint [Adv. D.I. 56, 57], which, *inter alia*, granted the Trustee leave to amend certain of the dismissed claims;

WHEREAS, on August 17, 2022, the Parties filed the Stipulation to address, among other things, the filing of an Amended Complaint, a stay of further proceedings while the parties engaged in settlement discussions, and a schedule for further pleadings, motions and briefing should settlement discussions prove unsuccessful;

WHEREAS, the Trustee filed his Amended Complaint on August 26, 2022 [Adv. D.I. 59], after which the parties engaged in settlement discussions; and,

WHEREAS, the parties’ settlement discussions have proven unsuccessful, thereby triggering Defendants’ obligation to respond to the Amended Complaint in accordance with the Stipulation.

Dated: October 11, 2022

PACHULSKI STANG ZIEHL & JONES LLP

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